

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

\$20,110 UNITED STATES CURRENCY,

Defendant;

RICKY C. HILL,

Defendant and Appellant.

2d Civil No. B191821
(Super. Ct. No. CV050753)
(San Luis Obispo County)

ORDER MODIFYING OPINION

[NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on June 4, 2007, be modified as follows:

1. On page 3, third paragraph, the second sentence is modified to read as follows:

Section 11488.4, subdivision (i)(2), requires the district attorney to prove "beyond a reasonable doubt" that the \$20,110 currency is traceable to drug trafficking as set forth in section 11470, subdivision (f).³

³ Section 11470, subdivision (f) reads as follows: "All moneys, negotiable instruments, securities, or other things of value furnished or intended to be

2. On page 3, the last paragraph that continues to the top of page 4, add a final sentence as follows:

We use the word "nexus" to mean "traceable to" or "having a connection with."

There is no change in the judgment.

furnished by any person in exchange for a controlled substance, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used or intended to be used to facilitate any violation of Section 11351, 11351.5, 11352, 11355, 11359, 11360, 11378, 11378.5, 11379, 11379.5, 11379.6, 11380, 11382, or 11383 of this code, or Section 182 of the Penal Code, or a felony violation of Section 11366.8 of this code, insofar as the offense involves manufacture, sale, possession for sale, offer for sale, or offer to manufacture, or conspiracy to commit at least one of those offenses, if the exchange, violation, or other conduct which is the basis for the forfeiture occurred within five years of the seizure of the property, or the filing of a petition under this chapter, or the issuance of an order of forfeiture of the property, whichever comes first."